



226/242  
Patent

## COMBINED DECLARATION AND POWER OF ATTORNEY

I, the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS OF USE OF ONE STEP IMMUNOCHROMATOGRAPHIC DEVICE FOR STREPTOCOCCUS A ANTIGEN** the specification of which

\_\_\_\_\_ is attached hereto.

XX was filed on 07/25/97 as Application Serial No. 08/900,559 and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:  
Prior Foreign Application(s):

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	Yes	No
_____	_____	_____	Yes	No

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Richard J. Warburg, Esq., Registration No. 32,327

Kindly recognize as associate attorney: Vicki G. Norton, Reg. No. P-40,745 and the following:

Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 29,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; F.T. Alexandra Mahaney, Reg. No. 37,668; Jeffrey W. Guise, Reg. No. 34,613; Sheldon O. Heber, Reg. No. 38,179; Anthony C. Chen, Reg. No. 38,673; Charles S. Berkman, Reg. No. 38,077, Gary H. Silverstein, Reg. No. 39,372, and Sheryl R. Silverstein, Reg. No. P-40,812 of LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071-2066 telephone (619) 552-8400.

Address all telephone calls to Vicki G. Norton at telephone no. (619) 552-8400.

Address all correspondence to Vicki G. Norton, Esq. LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, CA 90071-2066.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of sole or first inventor Shu-Ching Cheng

Inventor's signature S. C. Cheng

Date: 7/25/97

Residence 6150 Lago Lindo, Rancho Santa Fe, CA 92067

Citizenship United States

Post Office Address Same as above.

Full name of second inventor Ching Huang

Inventor's signature Ching Huang

Date: 7/25/97

Residence 635 Indigo Canyon Road, Chula Vista, CA 91911

Citizenship United States

Post Office Address Same as above.

Full name of third inventor Ming-Shian Wu

Inventor's signature Ming-Shian Wu

Date: 7/25/97

Residence 2139 Calle Guaymas, La Jolla, CA 92037

Citizenship United States

Post Office Address Same as above.

Full name of fourth inventor Michael J. Willrodt

Inventor's signature Michael J. Willrodt

Date: 7/25/97

Residence 157 Avocado Crest Lane, Escondido, CA 92025

Citizenship United States

Post Office Address Same as above.

Full name of fifth inventor Herbert Bradfield Cunningham

Inventor's signature Herbert Bradfield Cunningham

Date: 7/25/97

Residence 6535 Engineers Road, Julian, CA 92036

Citizenship United States

Post Office Address Same as above.

Full name of sixth inventor Eugene Fan

Inventor's signature Eugene Fan

Date: 7/25/97

Residence 7813 Esterel Drive, La Jolla, CA 92037

Citizenship United States

Post Office Address Same as above.

ASSIGNMENT

For valuable consideration, we, Shu-Ching Cheng of 6150 Lago Lindo, Rancho Santa Fe, California 92067, Herbert Bradfield Cunningham of 6535 Engineers Road, Julian, California 92084, Ching Huang of 635 Indigo Canyon Road, Chula Vista, California 91911, Ming-Shian Wu of 2139 Calle Guaymas, La Jolla, California 92037, Eugene Fan of 7813 Esterel Drive, La Jolla, California 92037, and Michael Willrodt of 157 Avocado Crest Lane, Escondido, California 92025 hereby assign to WYNTEK DIAGNOSTICS, INC., a California corporation having a place of business at 6146 Nancy Ridge Drive, Suite 101, San Diego, California 92121, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the invention and improvements which are the subject of an application for United States Patent Serial No.

08/900,559 entitled METHODS OF USE OF ONE STEP IMMUNOCHROMATOGRAPHIC DEVICE FOR STREPTOCOCCUS A ANTIGEN, filed on 07/25/97, this assignment including said application, any and all United States and foreign patents granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents and like rights of exclusion and for inventor's certificates for said inventions and improvements; and I agree for myself and my heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at SAN DIEGO, this 5 day of August, 1997.

Shu-Ching Cheng  
Shu-Ching Cheng

State of California )  
) ss.  
County of San Diego )

On August 5, 1997, before me, Donna Gonzales personally appeared Shu-Ching Cheng personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Donna Gonzales  
Signature of Notary

IN WITNESS WHEREOF, I hereto set my hand and seal at SAN DIEGO, this 5 day of August, 1997.

Ching Huang  
Ching Huang

State of California )  
) ss.  
County of San Diego )

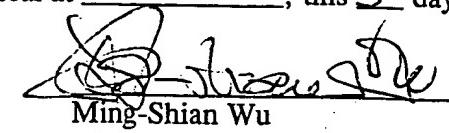
On August 5, 1997, before me, Donna Gonzales personally appeared Ching Huang personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Donna Gonzales  
Signature of Notary

IN WITNESS WHEREOF, I hereto set my hand and seal at SAN DIEGO, this 5 day of August, 1997.

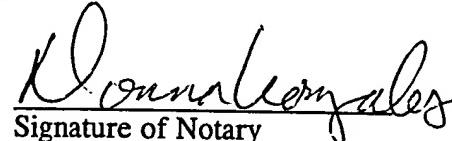


Ming-Shian Wu

State of California )  
                      )  
                      ss.  
County of San Diego )

On August 5, 1997, before me, Donna Gonzales personally appeared Ming-Shian Wu personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Donna Gonzales

Signature of Notary

IN WITNESS WHEREOF, I hereto set my hand and seal at SAN DIEGO, this 5 day of August, 1997.

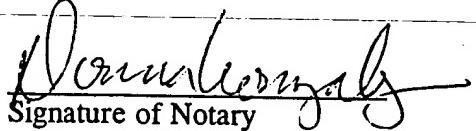


Herbert Bradfield Cunningham

State of California )  
                      )  
                      ss.  
County of San Diego )

On August 5, 1997, before me, Donna Gonzales personally appeared Herbert Bradfield Cunningham personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

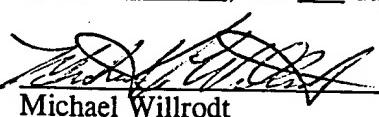
WITNESS my hand and official seal.



Donna Gonzales

Signature of Notary

IN WITNESS WHEREOF, I hereto set my hand and seal at SAN DIEGO, this 5 day of  
August, 1997.

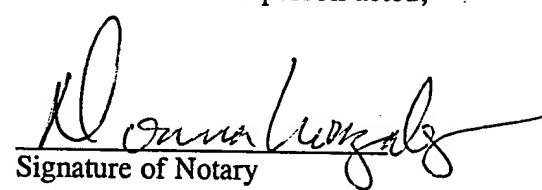
  
Michael Willrodt

State of California )  
                      )  
                      ss.  
County of San Diego )

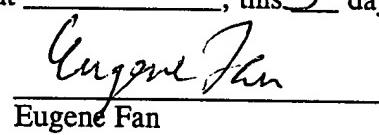
On August 5, 1997, before me, Donna Gonzales personally appeared Michael Willrodt personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



  
Signature of Notary

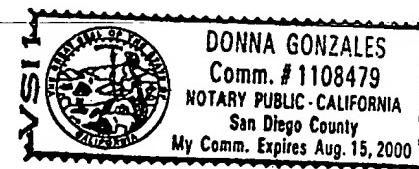
IN WITNESS WHEREOF, I hereto set my hand and seal at SAN DIEGO, this 5 day of  
August, 1997.

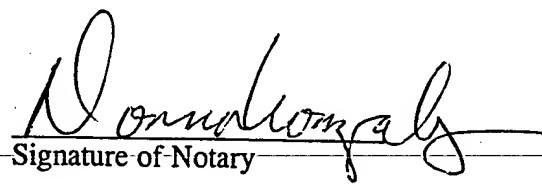
  
Eugene Fan

State of California )  
                      )  
                      ss.  
County of San Diego )

On August 5, 1997, before me, Donna Gonzales personally appeared Eugene Fan personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



  
Signature of Notary

Applicant or Patentee: Fan, et al.  
Serial or Patent No.: 08/900,559  
Filed or Issued: 07/25/97



**METHODS OF USE OF ONE STEP  
IMMUNOCHROMATOGRAPHIC DEVICE FOR  
STREPTOCOCCUS A ANTIGEN**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

       the owner of the small business concern identified below:  
XX an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: WYNTEK DIAGNOSTICS, INC.

ADDRESS OF CONCERN: 6146 Nancy Ridge Drive, Suite 101, San Diego, CA 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-entitled invention, by inventor(s) Shu-Ching Cheng, Ming-Shian Wu, Herbert Bradfield Cunningham, Ching Huang, Eugene Fan and Michael Willrodt described in

       the specification filed herewith  
XX application serial number 08/900,559, filed 07/25/97  
       Patent No.                         , issued                         

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)*

NAME: N/A

ADDRESS:

INDIVIDUAL     SMALL BUSINESS CONCERN     NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.



NAME OF PERSON SIGNING: Eugene Fan  
TITLE OF PERSON OTHER THAN OWNER: President  
ADDRESS OF PERSON SIGNING: 6146 Nancy Ridge Drive, Suite 101, San Diego, CA 92121

Signature

Date: